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Date: May 9, 2003


Donald L. Otto

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket CUTLP0101USA

In re PATENT application of

Stephen Cutler et al

Serial No. 09/827,048

Filed April 5, 2001

For: ELECTRICAL CONNECTOR WITH IMPROVED LOCKING MEANS

Confirmation No. 4511

Art Unit 2833

Alexander Gilman, Examiner

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SUPPLEMENTAL APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In the Official Action mailed February 12, 2003, the Examiner withdrew the finality of the rejection of the last Office Action allegedly for simplifying the issues for appeal. However, the Examiner then proceeds to reject all of the appealed claims 33-39, 42, 44 and 48-50 on the very same references relied on in the previous final Office Action but in some instances modifies his position

somewhat. Appellants hereby supplement their Appeal Brief to the extent deemed necessary as follows:

A. The Rejection of Claims 33-37, 39, 44 and 48-50 Under 35 U.S.C. § 103(a)

The Examiner repeats his rejection of claims 33-37, 39, 44 and 48-50 under 35 U.S.C. § 103(a) as being unpatentable over Tozuka et al in view of Gelati.

The Examiner acknowledges that Tozuka does not disclose a first conductor and a release hole formed through the contact section transversely offset from the opening, but contends that it would have been obvious to provide the Tozuka device with a release hole formed through the contact section as taught by Gelati to conveniently handle inserting and removing the second conductor using a tool. However, the release hole 12 of Gelati extends through the top of the contact section, not through an elongate rib formed in the contact section for locating the second conductor relative to the clip as recited in claim 50. Moreover, there is no suggestion or motivation in either of these references to provide the release hole of Gelati through the elongate ribs 29 of Tozuka. Thus it is submitted that the Examiner has modified these references in light of appellants' present teachings and certainly not from any suggestion or motivation in the cited references, which is clearly improper.

The Examiner also acknowledges that Tozuka when modified by Gelati does not use the claimed inturned lip integral with the contact section that acts as a stop for the second conductor, utilizing for it the holder 11, but now contends in Tozuka-Gelati it would have been obvious and cost-effective to manufacture the

end portion of the end of Tozuka's holder 11 flush with the portion 33 of the contact component 21 to reduce the overall dimension of the connector.

However, the holder 11 of Tozuka is still exterior of the contact component 21. Also Tozuka provides wire insertion holes 34 in the wall portion 33 of the spring locking clip 22 so that the conductor 2 extends through the contact element (see Fig. 3 and the description in the paragraph bridging columns 5 and 6 of Tozuka). Thus it is respectfully submitted that the claimed inturned lip functions differently as a stop than the holder 11 of Tozuka in that the claimed inturned lip locates the entire end portion of the conductor within the contact component whereas the housing 11 does not. Therefore to eliminate the claimed inturned lip and its function as suggested by the Examiner is clearly improper.

With regard to claims 48 and 49, the Examiner contends that it would have been an obvious matter of design absent any criticality to attach the first conductor of Tozuka when modified by Gelati to the contact component or make it integral with the contact component since the function performed by the first conductor is the same. However, it is respectfully submitted that there is absolutely no suggestion or motivation in either of these references for making the first conductor of Gelati integral with the contact component as recited in claim 48 or providing the first conductor with a wire terminal connection with the contact component as recited in claim 49. Thus it is submitted that the Examiner has modified these references in light of appellants' present teachings and certainly not any suggestion or motivation in the cited references, which is clearly improper.

B. The Rejection of Claim 38 Under 35 U.S.C. § 103(a)

Claim 38 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tozuka et al in view of Kubota et al. According to the Examiner Tozuka et al discloses all of the limitations as applied to claim [38] except for the grip locking end portion of the spring locking clip which, as claimed, is transversely curved across its entire width to conform to the profile of the second conductor.

For this feature, the Examiner relies on Kubota et al, contending that it would have been obvious to manufacture [Tozuka's] grip locking end portion transversely curved, as taught by Kubota et al, to make the end portion correspondent to the configuration of the second conductor. However, the grip locking end portion 1A of Kubota et al is shown in Fig. 1 and described in column 3, lines 11-14 as having a tooth portion to bite the cable, not a grip locking end portion that is transversely curved across the entire width of the grip locking end portion to conform to the profile of the second conductor as claimed. This has the advantage of maximizing surface contact between the grip locking end portion and associated conductor, which is not possible when the grip locking end portion is tooth shaped as disclosed in Kubota et al. Thus to modify the grip locking end portion of Kubota et al to make it transversely curved across the entire width of the grip locking end portion to conform to the profile of the associated conductor would be directly contrary to the teachings thereof.

The Examiner argues that since the curvature of the grip locking end portion is predetermined by geometry of the conductor, it would have been an obvious matter of design absent any criticality to make the grip locking end

portion transversely curved across its full width. Additionally, the Examiner argues that appellants' specification (page 11, lines 6-9) considers the grip locking end portion as an optional one and does not teach why that element should be transversely curved across its full width. However, merely because this feature is disclosed as being optional does not mean that this feature cannot be patented. Moreover, contrary to what the Examiner says, page 11, lines 7-9 of the present application specifically states why the edge 159 of the spring arms may be transversely curved as shown in Fig. 14, namely, "to conform to the shape of a wire to be contacted".

CONCLUSION

For the reasons set forth above and in appellants' brief filed previously, appellants respectfully request that the rejection of claims 33-39, 42, 44 and 48-50 on appeal be reversed and that such claims be allowed.

This Supplemental Appeal Brief is filed herewith in triplicate.

If any fees are required to be paid in connection with the filing of this Supplemental Appeal Brief, please charge such fees to our Deposit Account No. 18-0988 (Charge No. CUTLP0101USA).

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